

## HOUSE BILL NO. 256

INTRODUCED BY C. YOUNKIN, NEWMAN

A BILL FOR AN ACT ENTITLED: "AN ACT ~~CREATING A~~ INCREASING THE PENALTY OF A FINE UP TO \$10,000 OR IMPRISONMENT FOR UP TO 5 YEARS INCARCERATION FOR UP TO 1 YEAR, OR BOTH, FOR THE OFFENSE OF CARELESS OR RECKLESS DRIVING RESULTING IN THE DEATH OR SERIOUS BODILY INJURY OF ANOTHER PERSON; AND AMENDING SECTIONS 61-8-301, 61-8-302, 61-8-715, AND 61-8-716, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 61-8-301, MCA, is amended to read:

**"61-8-301. Reckless driving.** (1) A person commits the offense of reckless driving if ~~he~~ the person:

(a) operates ~~any~~ a vehicle in willful or wanton disregard for the safety of persons or property;

(b) operates ~~any~~ a vehicle in willful or wanton disregard for the safety of persons or property while fleeing or attempting to flee from or elude a peace officer who is lawfully in pursuit and whose vehicle is at the time in compliance with the requirements of 61-9-402; or

(c) operates ~~any~~ a vehicle in willful or wanton disregard for the safety of persons or property while passing, in either direction, a school bus ~~which~~ that has stopped and is displaying the visual flashing red signal, as provided in 61-8-351 and 61-9-402. This subsection (1)(c) does not apply to situations described in 61-8-351(5).

(2) Each municipality in this state may enact and enforce 61-8-715 and subsection (1) of this section as an ordinance.

(3) A person who is convicted of the offense of reckless driving is subject to the penalties provided in 61-8-715."

**Section 2.** Section 61-8-302, MCA, is amended to read:

**"61-8-302. Careless driving.** (1) A person operating or driving a vehicle ~~of any character~~ on a public highway ~~of this state~~ shall drive it in a careful and prudent manner ~~so as~~ that does not ~~to~~ unduly

1 or unreasonably endanger the life, limb, property, or other rights of a person entitled to the use of the  
2 ~~street or~~ highway.

3 (2) A person who is convicted of the offense of careless driving is subject to the penalties  
4 provided in 61-8-711 or 61-8-716."

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6 **Section 3.** Section 61-8-715, MCA, is amended to read:

7 **"61-8-715. Reckless driving -- reckless endangerment of highway workers -- penalty.** (1) ~~A~~ Except  
8 as provided in subsection (3), a person convicted of reckless driving under 61-8-301(1)(a) or (1)(c) or  
9 convicted of reckless endangerment of highway workers under 61-8-315 shall be punished upon a first  
10 conviction by imprisonment for a ~~period~~ term of not more than 90 days, by a fine of not less than \$25 or  
11 more than \$300, or ~~by~~ both. On a second or subsequent conviction, the person shall be punished by  
12 imprisonment for a term of not less than 10 days or more than 6 months, by a fine of not less than \$50  
13 or more than \$500, or ~~by~~ both.

14 (2) ~~A~~ Except as provided in subsection (3), a person convicted of reckless driving under  
15 61-8-301(1)(b) shall be punished by imprisonment in the county or city jail for a term of not less than 10  
16 days or more than 6 months to which may be added, at the discretion of the court, a fine of not less than  
17 \$300 or more than \$500. On a second or subsequent conviction, the person shall be punished by  
18 imprisonment for a term of not less than 30 days or more than 1 year to which may be added, at the  
19 discretion of the court, a fine of not less than \$500 or more than \$1,000.

20 (3) A person who is convicted of reckless driving under 61-8-301 and whose offense results in  
21 the death or serious BODILY injury of another person is guilty of a felony and shall be punished by a fine  
22 in an amount not exceeding \$10,000, by imprisonment for a term not exceeding 5 years INCARCERATION  
23 FOR A TERM NOT TO EXCEED 1 YEAR, or both. SECTION 61-8-351(6) DOES NOT APPLY TO A PROSECUTION UNDER  
24 61-8-301(1)(C) THAT IS PUNISHABLE UNDER THIS SUBSECTION."

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26 **Section 4.** Section 61-8-716, MCA, is amended to read:

27 **"61-8-716. Careless driving -- penalty.** (1) A person ~~violating~~ who violates the provisions of  
28 61-8-302 is guilty of the offense of careless driving and, except as provided in subsection (2), is shall be  
29 punishable as provided in 61-8-711.

30 (2) A person whose PURPOSEFUL violation of the provisions of 61-8-302 results in the death or

1 ~~serious BODILY injury of another person is guilty of a felony and shall be punished by a fine in an amount~~  
2 ~~not exceeding \$10,000 \$5,000, by imprisonment for a term not exceeding 5 years INCARCERATION FOR A~~  
3 ~~TERM NOT TO EXCEED 1 YEAR 6 MONTHS, or both."~~

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